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January 9, 2012

Jessica Damon

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Project Planner

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Dear Jessica:

I am writing on behalf of my clients, Donna Davidge, Save Our Lakes, a/k/a Protect Our Lakes, who are property owners in the vicinity of the Oakfield Wind Project and am writing with respect to the Draft Decision that was circulated on January 6, 2012.

I am disappointed, but not surprised, that once more the Department has rubber stamped a project that will cause great harm and destruction to natural areas, wildlife and people's livelihoods in the State of Maine.

Given the brief time period within which to comment on a lengthy, technical Draft Decision, I will focus on just one concern, the potential harm to eagles. I realize, as the Draft Decision notes, that this is within the purview of the US Fish and Wildlife Service, the consulting agency to the Army Corps of Engineers, who must approve a permit for the project. While it may be technically appropriate for the DEP to avoid expressing concern for the impacts on eagles, it is of great concern that the DEP would not even make a statement in the Draft Decision about the potential harm to eagles. There are only two statements about eagles in the Draft Decision: first, it's another agency's responsibility; and, two, there are no eagles' nests in the vicinity of the transmission wires.

How can the DEP and MDIFW compartmentalize the harm to wildlife in this way? Just today I

received the following email message from Dr. Mark McCullough of the US Fish and Wildlife Service:

"There is an eagle nest within 1 mile of the closest turbines (MDIFW knows that). We have recently been in a series of meetings with First Wind concerning Eagle Act and their wind project (MDIFW has been present). We believe the project has *moderate to high risk to eagles*. First Wind has completed two risk analyses for eagles.

ACE process - Oakfield is in review and ACOE is seeking our comments on lynx, eagles, migratory birds. I am working on responses of wind project in the order received - Kibby II, Saddleback, and Oakfield - all of which have Eagle Act issues."

Email from Mark McCullough to Lynne Williams, dated January 9, 2012. (Emphasis added, parentheses in the original).

While we recognize that addressing protection of eagles is the purview of the federal agency, the fact of the matter is that MDIFW has been in a series of meetings with the Applicant and USFWS. One could therefore conclude from their inclusion in those meetings, that MDIFW has concerns about the moderate to high risk to eagles. Yet the DEP failed to even mention these meetings, which included the state agency, nor the expressed concerns of the USFWS about harm to eagles, which they estimate as moderate to high.

We therefore request that the Draft Decision be amended in order to include a statement about the USFWS' concerns, and the involvement of MDIFW in attempting to work with the Applicant to address the likely harm to eagles from the expansion of this project.

Respectfully submitted,
/s/Lynne Williams
Lynne Williams, Esq.